

### **REMARKS**

Claims 2-9, 11-13, 15-17, and 21-23 are now pending in the application. Claims 21-23 are amended. Such amendments are fully supported by the specification. The Examiner is respectfully requested to reconsider and withdraw the rejections.

Applicant's representatives thank the Examiner for the courtesies extended during the telephone interview of August 29, 2006. The Ferreira reference, provisional application no. 60/182,282, was discussed. An agreement was not reached.

**A. The Amendments to claims 21-23 comply with 37 CFR § 1.116 and MPEP § 714.12.**

Claims 21 – 23 are amended to separate the recitation of scrolling a point of view from left to right from the recitation of scrolling a point of view from right to left. The claims previously recited scrolling a point of view “left or right.” The amendment was made to satisfy the Examiner as the amendment does not narrow the claim scope.

The amended claims, like the original claims, recite separate scrolling directions. During the telephone interview of August 29, 2006, the Examiner noted that Ferreira discloses a zoom operation whereby a user could view a storefront and zoom in to the image of the storefront. The Examiner – for the first time – argued that such a zoom operation scrolls the image “left or right” insofar as the left and right edges of the image during a zoom operation are moving away from the center, i.e., the image is scrolled both left and right.

The Applicant respectfully disagrees that the Ferreira zoom operation is anticipatory, as the Ferreira feature described by the Examiner focuses or enlarges the image, as opposed to scrolling the image. The Applicant, however, has amended

claims 21 – 23 to separate the recitation of scrolling a point of view from left to right from the recitation of scrolling a point of view from right to left. Such meaning would also have been understood from the original claim language of, for example, claim 22: “scrolling a point of view of said navigable image left or right ... by moving said point of view of said navigable image in a direction along said city block while maintaining said point of view directed toward said group of adjacent storefronts.”

Such amendments comply with 37 CFR § 1.116 and MPEP § 714.12 as the amendments touch the merits of the application. There are good and sufficient reasons for the necessity of the amendments and for the amendments not being earlier presented, as the Examiner’s interpretation of the Ferreira zoom operation was not included in previous office actions.

In addition, such amendments comply with 37 CFR § 1.116 and MPEP § 714.12 as the amendments present currently rejected claims in better form for consideration on appeal, without changing the scope of such claims.

For these reasons, Applicant respectfully submits that it is proper for the Examiner to enter and consider the amendments submitted herewith on the merits.

**B. Applicant predates any new matter not disclosed in Ferreira’s provisional application No. 60/182,282.**

Applicant reiterates that pursuant to the Declaration of January 18, 2005, previously filed, Applicant completed the invention in this country prior to February 14, 2001, which is the effective date of U.S. Pat. Pub. No. US2001/0034661 to Ferreira. While the Examiner correctly points out that the Ferreira utility patent application claims the benefit of Ferreira’s provisional patent application No. 60/182,282 filed February 14,

2000, to the extent the utility application includes new matter not disclosed in the provisional application, Applicant pre-dates the new matter not disclosed in the Ferreira's provisional application.

**C. Rejection Under 35 U.S.C. § 102**

Claims 2-9, 11-13, 15-17, and 21-23 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ferreira US Pat. Pub. No. 2001/0034661 A1. This rejection is respectfully traversed. The Ferreira provisional application does not teach or suggest scrolling a navigable image from left to right, or from right to left, by moving a point of view along a city block from left to right, or right to left, while maintaining the point of view directed toward a group of adjacent storefronts.

Claim 21 recites a method that includes allowing a user to scroll a point of view of a navigable image of a group of adjacent storefronts. The point of view is scrolled from left to right, or from right to left. The scrolling is done by moving the point of view along the city block from left to right, or from right to left, while maintaining the point of view directed toward the group of adjacent storefronts.

Compared to Ferreira, the following aspects of these claim limitations – even if not necessary for patentability – are further distinctive: the “point of view” is moved along the city block from left to right, or from right to left; and the point of view is directed toward the group of adjacent storefronts while it is moved. As supported by the specification, it is the movement of the point of view in this manner that gives the viewer the impression of walking down a street while viewing the storefronts. Specification, paragraph [0015.1].

Both the Ferreira provisional application and the Ferreira utility application describe movement of a camera around a fixed point. See Ferreira provisional, p. 5; and Ferreira utility application, p. 6, [0071]. The Ferreira provisional and utility applications do not teach or suggest scrolling a point of view from left to right, or from right to left, by moving the point of view along a city block from right to left, or from left to right, while maintaining the point of view directed toward a group of adjacent storefronts, as recited by claim 21.

Specifically, the Ferreira provisional application provides:

“Web-surfers will be able to use their mouse (or the arrows on their keyboard) to move the camera around. Simply clicking on the image and holding down either the left or right mouse button will alter the camera’s perspective and create the appearance of movement. Camera functionality will include: pan left, pan right, pan up, and pan down, or any combination thereof, and zoom in and out.”

Ferreira provisional app., p. 5.

The Ferreira camera movement is similarly described in the utility application (U.S. Pub. No. 2001/0034661):

The navigation may take place in a smooth and continuous manner, giving the user the impression of actual movement. **That is, the user may feel that he or she is actually moving his or her head to get a different view of the city block.**

Ferreira utility app., p. 6, [0071].

The camera movement described by Ferreira is “around” a fixed camera point. This is clear from the camera controls: pan left, pan right, pan up, and pan down. In Ferreira, when the camera pans up, the camera simply tilts back and points upward, as opposed to the camera raising off the ground toward the sky. When the camera pans down, the camera simply tilts forward and points downward, as opposed to the camera

dropping down into the ground. Likewise, when the camera pans left or pans right, the camera simply rotates to the left or to the right from the viewer's fixed location. As made clear by the utility application, this fixed point rotational movement is akin to moving the viewer's head around.

This is not the function of the method recited by amended Claim 21, which recites scrolling a point of view from left to right, or from right to left, by moving the point of view along a city block from right to left, or from left to right, while maintaining the point of view directed toward a group of adjacent storefronts. In other words, rotation of a camera on a fixed point, *even if done proximate to adjacent storefronts*, does not amount to movement of a point of view "along a city block" from right to left or from left to right.

To move the camera to another fixed point location, in Ferreira, there is a hyperlink at the end of every block or "street horizon." See Ferreira provisional application, p. 3. Once the camera is relocated, the camera may again be rotated around the new fixed point. See Ferreira provisional application, p. 3, 5. This type of movement also does not teach or suggest scrolling a point of view from left to right, or from right to left, by moving the point of view along a city block from right to left, or from left to right, while maintaining the point of view directed toward a group of adjacent storefronts.

Ferreira also teaches a zoom operation. See Ferreira provisional application, p. 5; and Ferreira utility app., p. 6, [0071]. The Ferreira zoom operation is not anticipatory of scrolling a navigable image from left to right, or from right to left, by moving a point of view along a city block from left to right, or right to left, while maintaining the point of

view directed toward a group of adjacent storefronts. During a zoom operation, the point of view remains fixed, while a center portion of the image is enlarged. Such an operation does not include movement of a point of view along a city block or scrolling from left to right or right to left.

For these reasons, Ferreira does not teach or suggest each and every limitation of claim 21. To anticipate a claim, a reference must teach each and every element of the claim. MPEP § 2131. Further, the “identical invention must be shown in as complete detail as is contained in the claim.” *Id.*, citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). In addition, the “elements must be arranged as required by the claim.” MPEP § 2131 citing *In re Bond*, 910 F.2d 831 (Fed. Cir. 1990).

For reasons similar to those discussed above for claim 21, the prior art fails to teach each and every element of claims 22 and 23. Claims 2-9, 11-13, and 15-17 each directly or indirectly depend from claims 21, 22, or 23, which define over the prior art as discussed above. The prior art fails to teach each and every element of claims 2-9, 11-13, and 15-17. Thus, reconsideration and withdrawal of the rejection are respectfully requested.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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